

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

### FOR FURTHER ACTION

See paragraph 2 below

International application No. PCT/GB2005/000541	International filing date (day/month/year) 15.02.2005	Priority date (day/month/year) 18.02.2004
--	--	--

International Patent Classification (IPC) or both national classification and IPC  
A61K9/28, A61K31/40

Applicant  
ARROW No. 7 LIMITED

#### 1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

#### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax. +49 89 2399 - 4465

Authorized Officer

Felder, C

Telephone No. +49 89 2399-7852



---

**Box No. I Basis of the opinion**

---

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material:  
 in written format  
 in computer readable form
  - c. time of filing/furnishing:  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

---

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

---

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-27
Inventive step (IS)	Yes: Claims	
	No: Claims	1-27
Industrial applicability (IA)	Yes: Claims	1-27
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: EP-A-0 546 593 (GLAXO GROUP LIMITED) 16 June 1993 (1993-06-16)
- D2: EP-A-0 542 364 (GLAXO CANADA INC) 19 May 1993 (1993-05-19)
- D3: GB-A-1 034 713 (HANS KRUSE) 29 June 1966 (1966-06-29)
- D4: EP-A-0 181 650 (GIST - BROCADES N.V; GIST-BROCADES N.V) 21 May 1986 (1986-05-21)

The present application discloses tablets comprising a core, containing the active agent sumatriptan, and a mantle, free of sumatriptan. Furthermore, said tablets are prepared by compressing the mantle components, free of the active agent, around a partially compressed, sumatriptan containing core.

**1. Novelty**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-27 is not new in the sense of Article 33(2) PCT.

The documents **D1 and D2** disclose (citations see ISR) both tablets comprising a core, containing the active agent sumatriptan, and a mantle, free of sumatriptan. Furthermore, said tablets are prepared by compressing the mantle components, free of the active agent, around a partially compressed, sumatriptan containing core.

Therefore, present claims 1-27 are not novel over the prior art.

**2. Inventive step**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-27 does not involve an inventive step in the sense of Article 33(3) PCT.

The document **D1** is regarded as being the closest prior art to the subject-matter of claims 1-27, and discloses tablets comprising a core, containing the active agent sumatriptan, and a mantle, free of sumatriptan. Furthermore, said tablets are prepared by compressing the mantle components, free of the active agent, around a partially compressed, sumatriptan containing core.

The subject-matter of claims 1-27 therefore differs from this in nothing.

Furthermore, should the applicant overcome the abovementioned novelty objections, he should turn his attention to the relevance of **D1-D4** with regard to the inventive step of the claimed subject-matter.

**3. Industrial applicability**

The subject-matter of the present claims 1-27 seems to be industrial applicable.